



MAYOR AND COUNCIL AGENDA

NO. 6 DEPT.:Community Planning and Development Services DATE PREPARED: 6/15/05
STAFF CONTACT: Deane Mellander, Acting Chief of Planning FOR MEETING OF: 6/20/05

SUBJECT: Discussion of Comprehensive Zoning Ordinance Revisions

RECOMMENDATION: Provide guidance to staff on priorities for special studies and on the proposed process for public input.

OVERVIEW: There are a number of methods available to regulate the character and timing of development. Among them are the zoning ordinance, and adequate public facilities ordinance, and development impact fees. The zoning ordinance provides the basic regulatory framework for development-height, bulk, setbacks, density, etc. An adequate public facilities ordinance is intended to insure that the requisite infrastructure, such as water, sewer, traffic capacity, public safety, are available or are programmed to serve the expected development. Impact fees are one-time payments assessed to help fund facility improvements needed to serve the development.

DISCUSSION: The Zoning Ordinance establishes the regulatory framework for all development and redevelopment in the City. The regulations cover height, bulk, density, setbacks, parking requirements, subdivision regulations, and the approval processes, among other items. The City's Zoning Ordinance, Chapter 25 of the City Code, was last updated comprehensively in 1975. Prior to that, the last comprehensive revision was in 1956. At the worksession in October, 2004 (see attachment 5), the general outlines of the proposed program and background on possible outcomes was presented. Direction is sought on the review processes to be followed for the various revision categories. Staff also requests that the Mayor and Council identify other zoning-related issues not already noted.

MAIN PURPOSE:

The comprehensive update is intended to accomplish the following goals:

1. Make the code user-friendly—To the extent possible, clear, concise plain English should be applied wherever possible. Archaic definitions and terminology should be revised or deleted.

2. Modernize the zoning concepts—There needs to be a transition from the current Euclidean* method to new zoning concepts such as floating zones, performance zoning, mixed uses, and other techniques suitable to development in a mature city.

3. Minimize impact on existing residential development—Address issues such as "mansionization", front porches, accessory structures and uses, fences, corner lot regulations, special exceptions and other issues related to development in the one-family neighborhoods.

TYPES OF REVISIONS:

The staff has identified three levels of revisions:

1. Routine Updating: Basic or routine provisions (plain language changes, administration items, reformatting, cross-referencing, etc.).

2. Standards Updating and Review: Issues requiring some degree of input, mostly from public bodies such as the Planning Commission and Board of Appeals.

3. Substantial Policy Issues: Issues that will require substantial background research and public input during the process, as well as participation by public bodies.

As discussed earlier, a series of "white papers" will be prepared that will provide the background for the issues/amendments identified by the Mayor and Council and Planning Commission. Among the issued staff has identified as needing substantial research are the following (see attachment 1, circle page 1, for additional information):

1. "Mansionization"- Provide for regulations to assure compatibility of development or redevelopment in the one-family residential zones.
2. Optional method procedures - Revise to assure a desirable level of development consistent with the intent of the relevant comprehensive plan and the surrounding neighborhood.
3. Adequate public facilities - Develop additional regulations to assure that the facility infrastructure needed for new development is in place or programmed (already being considered by separate text amendment).
4. Urban design - Provide additional regulations and guidelines to help insure high quality design of the built environment: architecture, landscaping, pedestrian ways, etc.
5. Overlay zones or conservation districts - Consider these tools as a way to maintain the character of residential neighborhoods.
6. Encroachments - Update, revise, and/or clarify the regulations regarding porches, walls, fences, corner lots, etc.
7. Nonconformities - Update and revise the regulations regarding development nonconformities and nonconforming uses and structures.
8. Parking standards - Revise and update as needed, especially in the Town Center and Transit-Oriented areas.

The first 5 items on this list are expected to involve significant policy discussions. They may require two or more sessions with the Mayor and Council to fully develop the necessary policy direction. The others are more in the realm of regulatory updating. Staff has already begun work on drafting a paper on the mansionization issue, and has previously drafted a paper on sidewalks. Also, the development of an Adequate Public Facilities Ordinance is already under way.

In most circumstances, the zoning ordinance is intended to aid in the implementation of the master plan recommendations. In this case, where the ordinance itself is being restructured, the implementation strategies will come out of the white papers and also current work being done with the current neighborhood plan program.

The following is a tentative schedule for the next few months:

July 2005:	Public hearing on revisions to Accessory Structures regulations Worksession on Mansionization
August 2005:	Public hearing on the APFO
September 2005:	Worksession on optional method amendments Worksession on nonconformities
October 2005:	Worksession on accessory structures and accessory uses Worksession on Urban Design requirements Worksession on Mansionization
November 2005:	Worksession on optional method amendments Worksession on Urban Design requirements
January 2006:	Worksession on land uses

As noted in the Discussion Issues (attachment 1), this is an aggressive schedule. Addressing all of these major issues in the schedule shown is optimistic, and may need to be revised based on the amount of time needed for discussion.

Reference is made to October, 2004 agenda sheet with related items at attachment 5, which provides a detailed overview of the program. Over the last year there have been several potential text amendments identified by the Mayor and Council, Planning Commission and Board of Appeals. These amendments are listed at page circle 30. Circle page 32 includes comments from the Board of Appeals. Each item in Overview Chart (circle page 29) has been classified as to which category (Major Updating or Substantial Policy) applies.

PUBLIC PROCESS:

Staff has been researching the field to find ordinances, programs and processes that will lend themselves to the City's needs. The ideas and proposals that come out of this research should be the subject of review and comment by the Planning Commission, Board of Appeals, and members of the public. The staff also intends to create an in-house working group to review the new proposals for clarity, consistency, and ease of enforcement. Over the next two to four months, staff also will be working on the Routine Updating items. In addition, information from the Stonestreet Implementation Strategy and other neighborhood plans will become available.

As portions of the new ordinance are drafted, other groups will need to provide a more detailed and technical review as well as comment on the proposed language. The people involved should have some familiarity with the zoning and development process. While the Mayor and Council could act as the reviewing body, it is recommended that an appointed committee of citizens, property owners, developers, etc. would be more efficient to review the actual ordinance language. Regular updates would be given to the Mayor and Council and Planning Commission at worksessions, which will provide the opportunity for policy oversight and direction. After a complete draft ordinance is prepared copies would be distributed Citywide. It would also be presented and discussed at public

forums. Then the formal adoption process would begin. With the Mayor and Council's concurrence with this process, staff will proceed. Additional outreach measures can be incorporated if the Mayor and Council so direct.

Change in Law or Policy: Amendments to the zoning ordinance are changes in the City Code. Such changes will apply throughout the zoning district where the amendments are adopted.

Boards and Commissions Review: The proposed changes will be formally reviewed by the Planning Commission and the Board of Appeals prior to the public hearing. Other interested groups may also be consulted on specific items.

NEXT STEPS:

The staff asks that the Mayor and Council and Planning Commission identify any outstanding issues or processes that have not already been noted so they can be included in the work program. While research is under way on the policy issues, staff will be working on the Routine Updating work and the Substantial Policy Issues already started.

Following the worksessions and direction provided, the staff can begin drafting amendment language. In early spring the public forums/focus groups can be held. Also in the spring the specialized Task Forces can begin meeting to review the detailed ordinance language.

PREPARED BY:


Deane Mellander, Acting Chief of Planning

APPROVED BY:


Arthur D. Chambers, AICP, Director, CPDS

6/15/05
Date

APPROVED BY:


Scott Ullery, City Manager

6/16/05
Date

LIST OF ATTACHMENTS:

1. Discussion Issues and Schedule (circle page 1).
2. Schedule of White Paper presentations (circle page 4).
3. Proposed Preliminary Draft zoning code revision outline (circle page 5).
4. Work program milestone chart (circle page 23).
5. Agenda sheet from October 25, 2004 worksession with relevant attachments (circle page 25).

Discussion Issues

The following is a introduction of issues to be addressed in the zoning code revision. For discussion purposes, the major overarching categories are listed. It is important to remember, however, that planning issues are interdependent. Minor issues associated with the topics may overlap. For example, mansionization is related to and may discuss accessory structures and urban design. In other words, lines for these proposed topics are forced in order to facilitate discussion.

White Papers

White Papers to be completed include the following topics which are organized in the order staff intends to present these papers. Staff may be overly optimistic at this time to present these papers and address these major issues through next January. Additional white papers may be needed as the review process continues; however, these topics are identified as the major issues that will require substantial research and discussion.

1. Mansionization (July & September)

This paper will address concerns regarding the latest trend to build larger residential structures alongside existing smaller single-family detached houses. In particular, the paper will address:

- Benefits and burdens of mansionization; and
- Alternatives and recommendations to regulate home additions.

2. Alternatives to Ideal Development (September & November)

To achieve ideal development within the zoning code, alternative development options and competing value determinations will be discussed. There are a number of alternative development options to be used to create the ideal character of a place. Options such as the optional method, cluster, planned unit developments provide alternatives to mix design regulations, uses, and densities to create ideal development styles. A process to choose between competing values will give direction to staff in the revision of the zoning code.

3. Nonconformities (September)

General issues to consider regarding nonconformities include the legal authority to continue such uses and structures, how to determine nonconforming status, and what changes, if any, will be permitted while maintaining nonconforming status for uses, structures, and other nonconformities.

4. **Urban Design (October & November)**

Aesthetic zoning or form-based zoning codes is evolving as an alternative approach to land use planning and zoning. These new types of regulations look at the essential characteristics of the community and its environment and its perceived image of itself, what it presently is and what it wants to be. In general, this paper is meant to provide:

- A detailed explanation of what it means to create urban design, and basic principals behind regulating based on urban design;
- A list of particular standards to regulate in order to achieve a aesthetically pleasing atmosphere and character including mass and scale, architectural standards, streetscaping, sidewalks, mixed uses, and a transportation connection; and
- Alternative options to regulate to provide a strong sense of urban design. Options may include a special purpose form-based zone or overlay or floating zones. Alternatives would be to maintain design guidelines or to require a statement of urban design compatibility.

5. **Accessory Uses (October)**

Accessory uses are associated with primary uses but may require separate regulations. Separate discussions may be needed for accessory uses in residential versus commercial districts. This paper will include a discussion on home based businesses.

6. **Accessory Structures (October)**

Accessory structures are detached from the primary structure on a lot, and may require separate regulations to maintain the character/ look of a primary structure or to make it more distinct. Included in this discussion will be fences, walls, and hedges; pools; and wireless facilities. Like accessory uses, separate discussions of accessory structures may be needed for residential and commercial districts.

7. **Uses (January)**

Current uses provided in the table of uses (§ 25-296) will need to be reviewed for residential, commercial, and industrial use districts. This section will discuss the standards staff will use to consolidate, categorize, and modernize uses to be permitted in use based districts. Depending on the direction given from the urban design white paper, separate considerations may be needed for use based zone districts and form-based zone districts.

Standards

In addition to the white papers, staff has identified and will draft a set of standards for the following issues.

1. Development approval process
2. Dimensional measurements
3. Environmental performance standards
4. Off-street parking and loading
5. Exterior lighting
6. Enforcement
7. Fences
8. Encroachments
9. Variances to accommodate handicapped individuals
10. Special exceptions

Schedule of White Paper Presentations

Month	White Paper Topic(s)
July	Mansionization (introduction of topic)
August	-----
September	<ul style="list-style-type: none"> • Mansionization (continue & concluded) • Optional Method of Development (introduction of topic) • Nonconformities
October	<ul style="list-style-type: none"> • Urban Design (introduction of topic) • Accessory Uses • Accessory Structures
November	<ul style="list-style-type: none"> • Optional Method of Development (continued & concluded) • Urban Design (continued and concluded)
December	-----
January	Uses

**REPORT TO THE MAYOR AND
COUNCIL OF THE CITY OF
ROCKVILLE, MD**

**PROPOSED PRELIMINARY DRAFT
ZONING CODE REVISION OUTLINE**

**Created by:
Community Planning and Development Services**

June 20, 2005

TABLE OF CONTENTS

Introduction.....	3
I. Introductory Information.....	4
A. Title.....	4
B. General Purpose.....	4
C. Authority.....	4
D. Relationship to the Comprehensive Plan.....	4
E. Relationship to Neighborhood and Subarea Plans.....	4
F. Applicability.....	4
G. Severability.....	4
H. Transitional Provisions.....	5
II. Definitions.....	6
A. Purpose.....	6
B. General Rules of Interpretation.....	6
C. Words and Terms Defined.....	6
III. Administration.....	7
A. Administrative and Decision-Making Bodies.....	7
1. Planning Commission.....	7
2. Board of Appeals.....	7
3. Historic District Commission.....	7
4. Sign Review Board.....	7
5. City Staff.....	7
6. Council.....	7
B. Common Procedures.....	8
1. Authority to File Applications.....	8
2. Application Contents and Submission Schedule.....	8
3. Fees.....	8
4. Pre-Application Conference.....	8
5. Neighborhood Meetings.....	8
6. Application Submission.....	8
7. Public Notification.....	8
8. Conditions of Approval.....	8
9. Lapse of Approval.....	8
11. Notification of Decision.....	9
12. Public Hearing Procedures.....	9
13. Administrative Waivers.....	9
C. Specific Standards and other Requirements for Applications for Development Approval.....	9
1. Amendments.....	9
2. Variances.....	9
3. Special Exceptions.....	9
4. Administrative Appeals.....	9
5. Particular Permits.....	9
6. Special Development Procedures.....	10

7.	Beneficial Use Determinations	10
8.	Reserved.....	10
IV.	General Provisions.....	11
A.	Dimensional Measurements.....	11
B.	Nonconformities	11
C.	Accessory Uses / Structures.....	11
D.	Temporary Uses	11
E.	District Boundaries	11
F.	Environmental Performance Standards.....	12
V.	Residential Districts.....	13
A.	Districts Established.....	13
B.	Uses.....	13
1.	Use Table	13
2.	Use-Specific Standards	13
C.	Dimensional Standards	13
1.	Dimensional Standards Table	13
2.	Specific Dimensional Standards	13
VI.	Commercial and Industrial Districts.....	14
VII.	Reserved (Overlay/Floating/Special Districts).....	15
A.	Development Overlay Zone.....	15
B.	Floating Zones	15
C.	Special Purpose Districts	15
VIII.	Development and Design Standards	16
_A.	Off-Street Parking and Loading.....	16
_B.	Landscaping, Buffering and Screening.....	16
_C.	Exterior Lighting.....	16
_D.	Sign Regulations.....	16
IX.	Enforcement.....	17
A.	Purpose.....	17
B.	Compliance Required.....	17
C.	Violations.....	17
D.	Responsible Persons.....	17
E.	Enforcement Generally	17
F.	Remedies and Penalties.....	17

INTRODUCTION

The following is a proposed outline for the City of Rockville's Zoning Revision. The outline is meant to be a discussion reference and not a final alignment of the revised code. The following information is to be used to discuss organization and substance issues prior to drafting the actual code language.

The outline divides the code into nine articles in an attempt to simplify and organize it logically based on functions, roles, procedures, and substance. Those articles are:

Article I	Introductory Information
Article II	Definitions
Article III	Administration
Article IV	General Provisions
Article V	Residential Districts
Article VI	Commercial and Industrial Districts
Article VII	Reserved (Floating/Overlay districts?)
Article VIII	Development and Design Standards
Article IX	Enforcement

At this stage, some articles are more complete than others. With additional research, upon the completion of certain white papers, the remaining sections will be completed. The white papers to be completed and, therefore, the topics likely to generate a large discussion, are addressed in the attached Report to Mayor and Council on Zoning Issues. The information contained in this outline is meant only to demonstrate where the staff envisions the code changes to begin. With the Mayor and Council's approval, staff will continue forward and fill in the outline as they progress.

The page formatting techniques to be used in the code revision is also demonstrated in this annotated outline.

I. Introductory Information

Contents:

- A. Title
- B. Purpose
- C. Authority
- D. Relationship to Comprehensive Plan
- E. Relationship to Neighborhood and Subarea Plans
- F. Applicability
- G. Severability
- H. Transitional Provisions

General Commentary: This chapter will contain important general provisions that are relevant to the document as a whole.

Specific Sections:

- A. **Title**
This is a standard section that sets forth the official name of the document and any acceptable shortened references.
- B. **General Purpose**
This section will outline the general purposes of the code.
- C. **Authority**
Authority will contain references to the statutory basis for zoning in Maryland.
- D. **Relationship to the Comprehensive Plan**
This section will discuss how administrative bodies and citizens are to interpret the comprehensive plan when applying the zoning code.
- E. **Relationship to Neighborhood and Subarea Plans**
The application of local plans in application of the zoning code, as well as the consideration of zoning in creating local plans will be addressed.
- F. **Applicability**
This section will make clear who is subject to the zoning code's regulations.
- G. **Severability**
This provision will be similar to the existing severability clause, declaring that if any part of the code is deemed invalid, the remainder shall not be affected and shall continue to apply.

H. **Transitional Provisions**

Since the new code will include some changes from existing practice, these provisions will explain the rights of development approved under the previously existing regulations. This section will also address the status of existing development that does not comply with the new code.

II. Definitions

Contents:

- A. Purpose
- B. General Rules of Interpretation
- C. Words and Terms Defined

General Commentary: This chapter will contain important terms used in understanding and administering the regulations of the code. Good definitions are important to provide a fair application and interpretation of the code for the public and consistency in decision-making.

Specific Sections:

- A. Purpose**
The purpose of this chapter is to provide guidelines for word interpretation.
- B. General Rules of Interpretation**
This section will address general issues and rules related to the interpretation of the code's language.
- C. Words and Terms Defined**
Terms used throughout the code will be defined without the inclusion of any regulation within the definition.

III. Administration

Contents:

- A. Administrative and Decision Making Bodies
- B. Common Procedures
- C. Specific Standards and Other Requirements for Applications for Development Approval
- D. Reserved: Development Agreements, Adequate Public Facilities

General Commentary: Currently, the zoning regulations require different levels and approval for similar applications. Essentially, there are four bodies of approval required for most planning requests.

- 1. **Staff**
- 2. **Boards**
- 3. **Planning Commission**
- 4. **Mayor and Council**

For a development code to be effective, it is important that its development review processes are efficient. An efficient process is achieved when the general framework for development permitting is not redundant, the procedures used and the review standards included result in a reasonable degree of certainty, and the review process for each type of permit is streamlined to the greatest extent possible.

Specific Sections:

- A. **Administrative and Decision-Making Bodies**

This section will consolidate the development review responsibilities of the review boards and/or City staff members into one place. Currently, staff foresees the same regulations as demonstrated for the Planning Commission to be used for each body.

 - 1. **Planning Commission**
 - a. Powers and duties
 - b. Membership
 - c. Meetings
 - d. Rules and Records
 - 2. **Board of Appeals**
 - 3. **Historic District Commission**
 - 4. **Sign Review Board**
 - 5. **City Staff**
 - 6. **Council**

B. Common Procedures

Current regulations scatter similar requirements throughout the code. This section would establish a common set of review procedures for the review of applications for development approval.

1. Authority to File Applications

Establish standing rules for the ability to file an application. In other words, explain that the applicant be an interested party.

2. Application Contents and Submission Schedule

This section will be dedicated to the requirements of applications and where to find necessary forms and fees can reduce redundancy.

3. Fees

The fees section will reference adopted fees and where applicants can find that information.

4. Pre-Application Conference

Staff will consider the inclusion of a pre-application conference as a standard part of the common application procedures.

5. Neighborhood Meetings

Staff will consider encouraging the use of neighborhood meetings whereby an applicant would explain the development proposal and the application, hear from neighbors about their concerns, and try to resolve any outstanding issues.

6. Application Submission

The appropriate agency, timing, and requirement for staff to determine application sufficiency should be addressed.

7. Public Notification

Public notification requirements are scattered throughout the current code, within the sections describing the individual review procedures. This proposed section would consolidate notice requirements in a chart.

8. Conditions of Approval

This new section will describe generally the types of conditions that may be attached to certain forms of approval granted under this article.

9. Lapse of Approval

Lapse of approval provisions will be included for all forms of development permits and approvals.

10. Simultaneous Processing of Applications

This subsection will provide rules for the simultaneous processing of two or more forms of review and approval.

11. Notification of Decision

This subsection will require that the Planning Staff notify the applicant, in writing, of the decision on an application for development approval within a specific number of days after the decision on the application.

12. Public Hearing Procedures

Staff will decide if a consolidated section governing public hearing procedures should be included.

13. Administrative Waivers

To speed up approval requirements for minor matters, staff will consider establishing the authority for administrative waivers.

C. Specific Standards and other Requirements for Applications for Development Approval

This section would include specific review standards that are applied to each individual application for development approval and other unique procedural review requirements.

1. Amendments

This subsection will address the requirements for text and map amendments.

2. Variances

The variance requirements and approvals will be addressed in this section.

3. Special Exceptions

Particular regulations regarding special exception approval will be addressed.

4. Administrative Appeals

A separate section should discuss any particular requirements to administrative appeals.

5. Particular Permits

Upon completion of the entire outline, the number of particular permits may be reduced or expanded. This section will encompass all permit types and their corresponding requirements.

6. Special Development Procedures

Currently, the City provides for 6 different types of alternative development procedures, in addition to special requirements for open space. These procedures will be reviewed, consolidated where possible and new alternatives (e.g. credits and bonuses) added where they may be necessary.

7. Beneficial Use Determinations

Over the last decade, many local governments have included a procedure in their land use regulations that allow any landowner who believes the application of the regulations results in a “taking” of their property to seek administrative relief from the local elected body. It is called a Beneficial Use Determination. If included, a section geared for the city will be located here.

8. Reserved

Within this section, staff should consider including any provisions regarding special development agreements and/or adequate public facilities requirement.

IV. General Provisions

Contents:

- A. Dimensional Measurements
- A. Nonconformities
- B. Accessory Uses
- C. Temporary Uses
- D. District Boundaries
- E. Environmental Performance Standards

General Commentary: This section is a catch-all for all types of development. In addition to the development and design standards to be provided in Article VIII, this section will provide regulations for development.

Specific Sections:

- A. **Dimensional Measurements**
This subsection will include rules of measurement and permitted exceptions. Rules of measurement and illustrations will be provided for each type of measurement listed in the dimensional standards table to be provided in a later article.
- B. **Nonconformities**
This section will incorporate all types of nonconforming regulations in one location. The particular subcategories of nonconformities will be addressed in a separate white paper; however, particular topics of discussion may include general regulations; nonconforming uses, structures, lots of record, signs; and other nonconformities.
- C. **Accessory Uses / Structures**
Accessory uses or structures are subordinate to the principal use of a building or land. A separate White Paper will be completed for this section to discuss the issues associated with accessory uses. Particular topics of discussion may include general regulations; fences, walls and hedges; home based businesses; and wireless facilities.
- D. **Temporary Uses**
Temporary uses are uses proposed to be located in a zone district for a limited duration of time that are not identified as a permitted use. Though permit requirements will be addressed in the administration article, the types of temporary uses allowed, and the standards for approval will be established in this section.
- E. **District Boundaries**
How to determine boundary designations will regulated in this section.

F. **Environmental Performance Standards**

Staff will review and all pertinent environmental standards that should be incorporated into the code. Particular issues to be addressed include forest and tree preservation standards; regulations regarding storm water management; sediment control; and impervious surface regulations.

V. Residential Districts

Contents:

- A. Districts Established
- B. Uses
- C. Dimensional Standards

General Commentary:

This section will list and provide regulations for the individual residential districts. This section will be amended after the completion of a white paper on uses.

Specific Sections:

A. Districts Established

A brief statement of the general purpose and intent behind residential zone districts will be provided.

B. Uses

1. Use Table

Like the current code, an easy to read Use Table will summarize permitted uses, special exception uses and conditional uses in each zone district.

The uses in the existing regulations will be a starting point for modernizing the uses in each zone. The white paper on uses will assist in completing this chart.

2. Use-Specific Standards

This section will contain all of the special standards and requirements that apply to individual use types listed in the use table.

C. Dimensional Standards

1. Dimensional Standards Table

The first part of this section will feature an easy-to-read table summarizing dimensional standards applicable to all residential zones. This table will identify all relevant dimensional standards (lot area, setbacks, height, density/intensity and lot coverage).

2. Specific Dimensional Standards

The second part of this section will address any specific dimensional standards.

VI. Commercial and Industrial Districts

Contents:

General Commentary:

This section will be completed upon the finalization of the urban design and use white papers. Particular sections may include multiple use districts, industrial districts, form based regulations, and other urban design concepts.

Specific Sections:

VII. Reserved (Overlay/Floating/Special Districts)

General Commentary:

Infill overlay zones, floating zones or special purpose districts are all possible options for regulating for particular design goals.

Specific Sections:

A. Development Overlay Zone

One option, to be discussed under the urban design white paper is the development overlay zone. Provisions to be included may include intent, general principles, land uses, and development standards.

B. Floating Zones

Floating zones define a use that a community wants to encourage to enable the city to accommodate new land uses. This is another option to regulating to be included within the urban design overlay zone.

C. Special Purpose Districts

Special purpose districts are those that are meant to address special geographical areas or issues. Again, this option will be discussed within the urban design white paper.

VIII. Development and Design Standards

Contents:

- A. Off-Street Parking and Loading
- B. Landscaping, Buffering, and Screening
- C. Exterior Lighting
- D. Sign Regulations

General Commentary:

Development and design standards will be an especially important part of the code, given the strong interest in ensuring that new development and redevelopment are compatible with existing neighborhoods. This article will consolidate current articles IX through XI.

Specific Sections:

A. Off-Street Parking and Loading

This section will carry forward many of the requirements listed in Article IX. Parking requirements will be reviewed and made to correspond with current practices in parking regulations.

B. Landscaping, Buffering and Screening

This section will be based on Article X in the current code and include provisions for landscaping, buffering, and screening requirements.

C. Exterior Lighting

This section will establish a general requirement and new, measurable standards that will prohibit exterior lighting from creating glare on adjacent properties or public rights-of-way and prohibit flashing or flickering lights.

D. Sign Regulations

This section will carry forward the current provisions of Article XI. Amendments may include updated illustrations and reorganization.

IX. Enforcement

Contents:

- A. Purpose
- B. Compliance Required
- C. Violations
- D. Responsible Persons
- E. Enforcement Generally
- F. Remedies and Penalties

General Commentary: This article will contain all enforcement-related provisions of the code.

Specific Sections:

- A. Purpose**
This section will set forth the purpose of the enforcement article.
- B. Compliance Required**
This section will state that compliance with all provisions of the code is required.
- C. Violations**
This section will explain that failure to comply with any provision of the code, or the terms or conditions of any permit or authorization granted pursuant to the code, shall constitute a violation of the code.
- D. Responsible Persons**
This section will state that any person who violates the code shall be subject to the remedies and penalties set forth in this article.
- E. Enforcement Generally**
This section will identify those persons responsible for enforcement of the provisions of the code.
- F. Remedies and Penalties**
This section will include provisions detailing a range of penalties and remedies available to the City.



Zoning Ordinance Review & Revision

ATTACHMENT 4

Description – Comprehensive review and revision of the City's Zoning Ordinance and related code changes

Project Manager/Team – Deane Mellander, CPDS

Mayor & Council Goal – Ensure New Development Citywide Enhances Rockville's Quality of Life

Expected Outcome – Review and revise the City's zoning ordinance

Funding	Total	Thru FY 04 Act.	FY 05.	FY 06	FY 07	FY 08
Planned	<i>Insert total cost of project as planned</i>	<i>Insert total dollars budgeted through FY04</i>	<i>Dollars planned for FY05</i>	<i>Dollars planned (from CIP sheet)</i>	<i>Dollars planned (from CIP sheet)</i>	<i>Dollars planned (from CIP sheet)</i>
Revised	<i>Total revised cost of project</i>	<i>Total revised budget through 04</i>	<i>Revised for FY05</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
Expended to Date	<i>Total expended to date</i>	<i>Total spent on project through FY04</i>	<i>Spent to date in FY05</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>

Tasks and Milestones	START			END		
	Pln	Rev	Act	Pln	Rev	Act
1 Assemble Staff Resource Team				May '05		
2 * Adoption FY06 Budget				June '05		
3 M&C Briefing on Program Outline				June '05		
4 * M&C Briefing on Outreach Prog				Sept. '05		
5 Public Outreach – Phase I (Structure of ordinance)				October, '05		
6 */Public M&C and PC Briefing on Phase I Outcomes				Nov. '05		
7 Public Outreach – Phase II (Substantive revisions to uses and development standards)				March '06		
8 */Public M&C and PC Briefing on Phase II Outcomes				May '06		
9 Draft Revised Ordinance				Aug. '06		
10 RFP for attorney assistance				Aug '06		
11 * Mayor and Council Award Contract				Sept. '06		
12 Retain Attorney				Oct. '06		
13 Public Informational Meetings				Oct. '06		
14 M&C and PC Worksessions on Draft Ordinance				Jan. '07		
15 Revise Ordinance in Final Draft Format				Feb. '07		
16 */Public Presentation of Text Amendment to PC and M&C				March '07		
17 * M&C Authorization to File				March '07		
18 Public PC Public Meeting				April. '07		
19 Public PC Worksessions & Recommendations				May. '07		
20 * M&C Public Hearing				June '07		
21 * M&C Worksessions/D&I				Aug. '07		
22 * M&C Intro of Ordinance & Adoption				Sept. '07		

Notes:

Insert additional information that is important for the reader



MAYOR AND COUNCIL WORKSESSION

NO. 3 DEPT.: Community Planning and Development Services / Legal DATE: October 20, 2004
CONTACT: Deane Mellander, Planner III

SUBJECT FOR DISCUSSION: Zoning Ordinance
Comprehensive Revision

ORDER OF DISCUSSION: Discuss
the scope of the project and range of
issues to be examined:

1. Main Purpose
2. Types of Revisions
3. Public Process
4. Next Steps

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED: The City's Zoning Ordinance, Chapter 25 of the City Code, was last updated comprehensively in 1975. Prior to that, the last comprehensive revision was in 1956. In the last 30 years, zoning and desirable development patterns have changed substantially. New concepts such as floating zones, performance zoning, form-based zoning, and the New Urbanism have reshaped the field. The City's Zoning Ordinance needs to be thoroughly reviewed and up-dated to reflect 21st Century concepts appropriate to a City that is transitioning from "greenfield" development to redevelopments. Direction is sought on the review processes to be followed for the various revision categories. Staff also requests that the Mayor and Council and Planning Commission identify other zoning-related issues not already noted.

MAIN PURPOSE:

The comprehensive update is intended to accomplish the following goals:

1. Make the code user-friendly—Some of the language in the current code dates back to the City's first zoning ordinance in 1931. Even with subsequent updates, much of the language is written in the stilted "legalese" that was common at the time. To the extent possible, clear, concise modern English should be applied wherever possible. Some existing definitions reflect archaic terminology, as do some of the land uses defined in the table. The intended outcome is a code that is easily understood by the general public, while being legally sufficient to withstand legal challenge. Revisions to the processes are also needed to make it more consistent and easier to use.

2. Modernize the zoning concepts—Currently, all of the City's zones are Euclidean*, which means that the zones define a rigid set of standards and requirements, with little flexibility. To achieve some of the desired flexibility, the City has developed several types of optional development procedures that overlay the base zones. This can be cumbersome, and occasionally confusing as to what development standards apply in such cases. As noted above, there are a number of new planning and zoning concepts that have been developed, and these need to be examined for potential application in the City. The City has matured, and is now in the posture of zoning for redevelopment of older sites, rather than dealing primarily with new "greenfield" development.

* "Euclidean" refers to the Supreme Court case, *Town of Euclid, Ohio v. Ambler Realty Co.*, that validated the concept of zoning in 1927.

3. Minimize Impact on existing residential development—For the most part, the current zoning works well for the single-family residential neighborhoods. However, there needs to be an examination and fine-tuning of issues such as front porches, accessory buildings, fences, corner lot regulations, special exceptions, and over-size houses.

TYPES OF REVISIONS:

The staff has identified three levels of revisions:

1. Routine Updating: Staff-level issues (plain language changes, administration items, reformatting, cross-referencing, etc.).

2. Major Updating and Review: Issues requiring some degree of input, mostly from public bodies such as the Planning Commission and Board of Appeals. Changes to definitions, nonconformity issues, forest conservation, and landscaping and screening requirements fall into this category. An example would be the revision of the provision regarding encroachments allowed in the setbacks, for items such as bay windows, porches, fences, and retaining walls. These revisions will primarily be technical in nature without significant Citywide policy aspects.

3. Substantial Policy Issues: Issues that will require substantial background research and public input during the process, as well as participation by public bodies. These include changes to the intent of the zones, locations where uses are or are not appropriate, whether more special exception uses are needed, what form of zoning process is most appropriate (especially for nonresidential development, streamlining of review and approval procedures for special development procedures, development standards, modifications to the Town Center and Rockville Pike corridor areas, and updating the subdivision regulations. See Attachment 1 for a more detailed listing (circle 1). An example would be a determination as to the level of development intensity and building heights that will be allowed in the nonresidential zones.

The staff proposes to do the necessary research on addressing these issues and, where indicated, prepare an issues paper that will provide the background for the issues/amendments identified by the Mayor and Council and Planning Commission. A draft of a sample issues report on sidewalk standards is attached as an illustration.

Over the last several months there have been several text amendments identified by the Mayor and Council, Planning Commission and Board of Appeals. These amendments are listed in attachments 2 and 3 (circles 2 and 4). Attachment 3 includes comments from the Board of Appeals. Each item in attachment 2 has been classified as to which category (Major Updating or Substantial Policy) applies.

PUBLIC PROCESS:

Staff has been researching the field to find ordinances, programs and processes that will lend themselves to the City's needs. The ideas and proposals that come out of this research should be the subject of review and comment by the Planning Commission, Board of Appeals, and members of the public. Over the next two to four months, staff also will be working on the Routine Updating items. In addition, information from the Stonestreet Implementation Strategy will become available.

The process to gather public input prior to drafting the Substantial Policy issue section will be accomplished in several ways. First, the discussion from plans currently under development (i.e., Stonestreet, East Rockville, Lincoln Park, Rockville Pike, etc.) will be used as a foundation for broader, Citywide discussions. Second, current or recent discussions such as sidewalk width, optional method, etc. can be finalized. Third, using public forums or focus groups to discuss specific issues can be used. There will be a need for general public open houses to present issues, draft language, etc. over the next few months. Staff also anticipates working with civic associations, the Chamber of Commerce, REDI, and other interested organizations. Lastly, there will be the formal public hearing process for people to provide input.

In regard to the substantial policy issues, staff would request that the Mayor and Council and Planning Commission prioritize the issues listed in attachment 2 (circle 2). Some work has been done on these items and can be brought to the Mayor and Council for direction fairly quickly. The Mayor and Council should also identify which Substantial Policy Issues should go through a public forum/focus group process. Those forums/focus groups would occur early in 2005. The process described above is included on the Milestone sheet, which is currently being revised and will be distributed at the meeting. Over the next few months the Mayor and Council will be finalizing several issues that have already been discussed. At the same time staff will be working on the Routine Updating items. Staff will also be preparing for the public forums/focus groups for those Substantial Policy Issues identified by the Mayor and Council.

As portions of the new ordinance are drafted, it would be beneficial to have a group (or groups) to provide a more detailed and technical review as well as comment on the proposed language. The people involved should have some familiarity with the zoning and development process. At one end of the spectrum, the Mayor and Council could act as the reviewing body. At the other end would be an appointed committee with members of the public and development community. The staff suggests that a more focused group(s) of citizens, property owners, developers, etc. might be more efficient to review the actual ordinance language. Regular updates would be given to the Mayor and Council and Planning Commission at worksessions. After a complete draft ordinance is prepared copies would be distributed Citywide. It would also be presented and discussed at public meetings. Then the formal adoption process would begin. If the Mayor and Council concur with this process, staff will proceed. Additional outreach measures can be incorporated if the Mayor and Council so direct.

NEXT STEPS:

The staff asks that the Mayor and Council and Planning Commission identify any outstanding issues or processes that have not already been noted so they can be included in the work program. While research is under way on the larger issues, staff will be working on the Routine Updating work and the Substantial Policy Issues already started. Then in early spring the public forums/focus groups can be held. Also in the spring the specialized Task Forces can begin meeting to review the detailed ordinance language.

LIST OF ATTACHMENTS:

1. Zoning Program Overview Chart.
2. Current text amendments and suggested future amendments list.
3. Letter from Board of Appeals on recommended zoning revisions.
4. Zoning background information.
5. Sample draft Issues Report on sidewalk standards.

Zoning Program Overview

A. Code Sections That Require Routine Staff-Level Updating: Plain Language, Formatting, etc.

- Art. 2: Administration:
- Planning Commission
 - Board of Appeals
 - Historic District Commission
- Art. 3: Amendments:
- Annexations
 - Local Map Amendments
 - Sectional and Comprehensive Map Amendments

Art. 5: Permits:

- Use Permits
- Occupancy Permits
- Temporary Occupancy Permits
- Historic District Permits
- Occupancy Permits

Art. 11: Signs (Major revision completed in 2004, may need plain language and graphics updating)

B. Code Sections That Require Major Updating and Revision, and Review by Public Officials : Plain Language, Formatting, Revised Design Standards, etc.

Art. 1: In General:

- Definitions (Draft changes presented to Planning Commission in 2002; additional changes adopted in 2004 via Signs amendment): Add new definitions, revise/delete archaic terms, remove "regulation by definition", etc.
- Compliance Required
- Previous approvals, etc.

Art. 4: Nonconformities: Revise for clarity and consistency (Draft changes presented to Planning Commission in 2002)

Art. 10: Landscaping and Screening: Examine requirements for the setbacks and screening of the following:

- Parking Lots
- Storage Areas
- Mechanical Equipment
- Undergrounding of Utilities
- Include higher forest conservation standards

C. Code Sections That Require Substantial Policy Issue Research and Substantive Coordination with Officials and Public

Art. 6: Zoning Districts, Identification and Purposes: Terms, purposes and intent of zones.

Art. 7: Zoning Regulations:

- Uses Allowed: Add/delete/revise uses allowed; zones where allowed, permitted or special exception, etc.
- Development Standards: Revise consistent with revised standards and intent, especially for nonresidential zones
- Special Limitations

Art. 8: Special Exceptions:

- General and Specific Standards and Requirements: Parking, screening, neighborhood impact, etc.
- Types of Special Exceptions: Uses allowed; new SE's, etc.

Art. 9: Parking and Loading:

- Design Standards: Sizes of spaces; drive aisle widths; setbacks, etc.
- Number of Spaces Required by Use: Consider whether current requirements should be modified.
- Multiple Use Requirements: Parking district regulations; transit-oriented areas; Town Center, etc.

Art. 12: Special Development Procedures: Development consistent procedures; consider deletion of some items; amenity trade-offs, etc.

- Variable Lot Development
- Cluster Development
- Planned Residential Unit Development
- Townhouses
- Comprehensive Planned Developments
- I-3 Optional Method

Art. 13: Town Center Development: Master plan consistency; design guidelines; amenity trade-offs, etc.

Art. 14: Rockville Pike Development: Master plan consistency; design guidelines; amenity trade-offs, etc.

Art. 15: Subdivision Regulations: Revise and update

Note: All article are part of Chapter 25
(Zoning and Planning)

Rev. 10/18/04

Text Amendment List – 6-6-05

Note: Letters at the end of each item refer to the categories in Attachment 1.

Current Text Amendments

1. Active text amendments in process:
 - a. TXT2000-00186—Amendments to the requirements for screening or undergrounding of public utilities. **C**
 - b. TXT2003-00202—Provision of Adequate Public Facilities for development and redevelopment. **C**
 - c. TXT2004-00215--Amend the Town Center zones **B**
 - d. TXT2005-00216—Amend regulations for accessory structures. **C**
2. Inactive text amendments:
 - a. TXT2000-00187—Revise the home occupation provisions. **C**

Suggested Zoning Ordinance Amendments

1. Proposals already presented for review to the Planning Commission:
 - a. Amendments to the Development Nonconformities and Nonconforming Uses provisions. **B**
 - b. Suggested additions and revisions to the Definitions. **B**
2. Amendments Being Discussed:
 - a. Amend optional method of development provisions to provide greater public benefit for granting additional development—Town Center and Rockville Pike zones. **C**
 - b. Amendments to implement the recommendations of the City-wide master plan. **C**
 - c. Establish compatibility requirements for infill residential development. **C**
 - d. Revise the building height regulations. **C**
 - e. Clarify residential accessory building regulations on corner lots. **C**
 - f. Define “demolition”, especially as it relates to historic structures. **B**
 - g. Sidewalk widths. **C**
 - h. Revise/strengthen Forest and Tree Preservation Ordinance. **C**
 - i. Fences, porches, and other encroachments. **B**
 - j. Accessory apartments. **C**
 - k. Variances to comply with ADA. **B**
 - l. Overlay zones. **C**
 - m. Allow for minor administrative amendments to approved special exceptions.
3. Other potential work program items:
 - a. Consider floating zones. **C**

- b. Revise provisions for heliports and helistops. **C**
- c. Require MPDU's in elderly housing projects. **C**
- d. Revise the parking standards, especially as they relate to Town Center, Metro Performance districts, and other transit-oriented development. **C**
- e. Determine if proof of market is necessary for certain special exceptions. **B**
- f. Regulate impervious surfaces in certain zones. **B**
- g. Require minimum park area dedication in Special Development Procedures. **C**
- h. Consider overlay zones for certain special situations. **C**
- i. Add Bed & Breakfasts as a defined use. **B**
- j. Clarify effect of amendments on validity periods. **B**
- k. Administrative adjustments for minor variances. **B**
- l. Provide consistency with Art. 66-B.

March 30, 2003

Hon. Susan Hoffmann
Councilmember and Liaison to the Board of Appeals
Mr. Arthur Chambers
Director of Community Planning ...
Rockville City Hall
111 Maryland Avenue
Rockville, Maryland 20850

Re: Zoning Ordinance Issues for Consideration by the Mayor and Council

Dear Councilmember Hoffmann and Mr. Chambers:

In deciding certain variance and special exception cases during the last few years, the Board of Appeals has wrestled with a number of issues that the City's zoning ordinances raise. Accordingly, in a project spearheaded by last year's Board chair, David Hill, the members of the Board have compiled these items for submission to the Mayor and Council for their consideration and action, in consultation with the City's planning staff. We submit these items now, understanding that a general review of the City's zoning ordinances is underway, as a follow-on to the recent Master Plan update. Each item is discussed in some depth in the memoranda that follow, prepared by various members of the Board. Briefly, the list, without any ordering of priority, includes six issues:

1. Economic need analysis for certain commercial special exceptions
 - A: Eliminate confining assessment of need to City residents
 - B: Eliminate economic need findings altogether
2. Fence heights in front yards of industrial zones
3. Porch set-backs and current residential planning ideas
4. Concept of accessory apartments; clarification of conditions for accessory apartments
5. Variances to accommodate handicapped individuals
6. Deck/porch encroachments in overlay or special zones

The Board is, of course, available to meet with the Council and/or staff to further discuss these items.

Sincerely,
Board of Appeals

Alan B. Sternstein, Chair
David Hill
Steven Johnson
Roy Deitchman

Cc: Robert Spalding, Chief of Planning
Peggy Metzger, _____
Castor Chasten